

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FIRST DAY — WEDNESDAY, FEBRUARY 15, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 26).

Present — Mr. Speaker; Alexander; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Dukes; Oliveira.

Absent — Allen; Alvarado.

The invocation was offered by Reverend V. Scott Stodghill, Riverbend Church, Austin, as follows:

God grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Dukes on motion of G. Lewis.

Oliveira on motion of McCall.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. John Green of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Green and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

Austin, Texas, February 15, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 79 by Cuellar, Renato, et al., (Sponsor-Lucio), in memory of Corporal Harlon Block, U.S.M.C.

HCR 80 by Craddick, Laney, Junell, and Duncan (Sponsor-Montford), commending Dr. Bill Dean for his contributions to higher education.

HCR 82 by De La Garza (Sponsor-Lucio), commemorating the launching of the U.S.S. Gonzalez and paying tribute to the life of Sergeant Alfredo Gonzalez, U.S.M.C.

HCR 84 by Carona and Wolens (Sponsor-Cain), welcoming the seventh grade class of St. Mark's School to the Texas Capitol.

SB 189 by West, Royce, et al., relating to the certification of historically underutilized businesses by the General Services Commission.

SB 260 by Leedom, relating to a municipal drainage utility system.

SB 299 by Ellis, relating to the validation of governmental acts and proceedings by municipalities.

SB 393 by Nixon, Drew, relating to the definition of a liquefied natural gas system.

Respectfully,
Betty King
Secretary of the Senate

HR 114 - ADOPTED

Representative McCoulskey moved to suspend all necessary rules to take up and consider at this time **HR 114**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McCoulskey, et al.,

HR 114, In memory of Fred Davenport, Jr.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Counts, the names of all the members of the house were added to **HR 114** as signers thereof.

HCR 72 - ADOPTED

Representative Patterson moved to suspend all necessary rules to take up and consider at this time **HCR 72**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Patterson,

HCR 72, In memory of W. M. "Pete" Rodes.

The resolution was unanimously adopted by a rising vote.

HCR 10 - ADOPTED

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HCR 10**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Raymond,

HCR 10, In memory of Rose Fitzgerald Kennedy.

The resolution was unanimously adopted by a rising vote.

HCR 35 - ADOPTED

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HCR 35**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Raymond, et al.,

HCR 35, Paying tribute to the life of Jacqueline Lee Bouvier Kennedy Onassis.

The resolution was unanimously adopted by a rising vote.

HR 182 - ADOPTED

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 182**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bosse, Zbranek, Crabb, and Talton,

HR 182, Commending the Pilot Club of Baytown for its efforts to secure completion of the Fred Hartman Bridge.

The resolution was read and was adopted without objection.

On motion of Representative Jackson, the names of all the members of the house were added to **HR 182** as signers thereof.

HR 193 - ADOPTED

Representative McDonald moved to suspend all necessary rules to take up and consider at this time **HR 193**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McDonald,

HR 193, Commending Bill Herring for his artistic achievements.

The resolution was read and was adopted without objection.

On motion of Representative Coleman, the names of all the members of the house were added to **HR 193** as signers thereof.

HR 172 - ADOPTED

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 172**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Pitts,

HR 172, Commending E. A. "Gene" Page for his contributions to his community.

The resolution was adopted without objection.

HR 190 - ADOPTED

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 190**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Giddings,

HR 190, Honoring the South Dallas Business and Professional Women's Club, Inc.

The resolution was adopted without objection.

HR 191 - ADOPTED

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 191**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Giddings,

HR 191, Commending DeMetris Sampson for her service on the Alcohol Related Businesses Task Force.

The resolution was adopted without objection.

HCR 9 - ADOPTED

Representative Munoz moved to suspend all necessary rules to take up and consider at this time **HCR 9**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Munoz,

HCR 9, Designating February 1995 as Public School Board Members Month in Texas.

The resolution was adopted without objection.

On motion of Representative Bailey, the names of all the members of the house were added to **HCR 9** as signers thereof.

HR 195 - ADOPTED

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **HR 195**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Smithee,

HR 195, Congratulating Jack and Nona Collins on their 50th wedding anniversary.

The resolution was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 195** as signers thereof.

HR 196 - ADOPTED

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 196**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Gallego,

HR 196, Expressing appreciation to the Middle Rio Grande Development Council.

The resolution was adopted without objection.

SCR 30 - ADOPTED **(Finnell - House Sponsor)**

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **SCR 30**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 30, Granting the Texas YMCA youth and government program permission to use the house and senate chambers.

The resolution was adopted without objection.

STATEMENT BY REPRESENTATIVE JUNELL ON DISTRICT 58 ELECTION CONTEST

The speaker recognized Representative Junell, who gave the following statement on the District 58 election contest:

Yesterday the Select Committee on the Election Contest for District 58 heard in excess of five hours of testimony and argument in the matter of the election contest of Bernard Erickson v. Arlene Wohlgemuth.

After deliberation in executive session—it took an hour—at 11:15 last night, the committee unanimously found that Mr. Erickson had not met his burden of proof by clear and convincing evidence that the vote shown on the final canvass was not the true outcome of the election.

It will now be the task of the committee to prepare and adopt findings of fact and conclusions of law and report those findings and its recommendations for action including assessment of cost back to the full house.

We will be working with legislative council staff and Chairman Seidlits, the master, over the next several days preparing these materials. I expect the committee to have adopted that report by the middle of next week after which it will be scheduled for floor action.

RULES SUSPENDED

Representative Goodman moved to suspend the 5-day posting rule to allow the Committee on Juvenile Justice and Family Issues to consider **HB 1197**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Juvenile Justice and Family Issues, today, to consider **HB 1197**.

Licensing and Administrative Procedures, on adjournment today, E1.026, Capitol Extension.

Insurance, 2 p.m. today, for a tour of the Texas Department of Insurance.

Appropriations, Subcommittee on Education, 1:00 p.m. today, Room 101, Reagan Building, for a working session on Article III of the appropriations bill.

Elections, 3 p.m. today, E2.010, Capitol Extension, for an organizational meeting.

PROVIDING FOR ADJOURNMENT

Representative Danburg moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Torres,

HB 1226, A bill to be entitled An Act relating to the regulation of liquefied petroleum gas.

To Committee on Energy Resources.

By Bosse,

HB 1227, A bill to be entitled An Act relating to repossession of a motor vehicle for repair charges.

To Committee on Business and Industry.

By Dutton,

HB 1228, A bill to be entitled An Act relating to a bill of particulars in a criminal case.

To Committee on Criminal Jurisprudence.

By Rangel,

HB 1229, A bill to be entitled An Act relating to the regulation of certain facilities that advertise the provision of special care for residents with Alzheimer's disease and related disorders.

To Committee on Public Health.

By Price,

HB 1230, A bill to be entitled An Act relating to funding academic and extracurricular programs conducted by school districts before and after the regular school day.

To Committee on Public Education.

By Ramsay,

HB 1231, A bill to be entitled An Act relating to the screening program for abnormal spinal curvature.

To Committee on Public Health.

By R. Lewis,

HB 1232, A bill to be entitled An Act relating to the regulation of nonpoint source water pollution, stormwater discharges, wet weather water quality standards and control of sanitary sewer overflows.

To Committee on Natural Resources.

By Moffat,

HB 1233, A bill to be entitled An Act relating to withholding for federal income tax purposes from unemployment compensation benefits.

To Committee on Economic Development.

By Hartnett, Marchant, Wolens, and Allen,

HB 1234, A bill to be entitled An Act relating to the creation of municipal courts of record in Irving.

To Committee on Judicial Affairs.

By Hartnett,

HB 1235, A bill to be entitled An Act relating to special judges elected by the practicing lawyers of the statutory probate courts in Dallas County.

To Committee on Judicial Affairs.

By Hartnett, Marchant, Wolens, and Allen,

HB 1236, A bill to be entitled An Act relating to the authority of Dallas County Utility and Reclamation District to enter into tax abatement agreements, to designate reinvestment zones and to utilize all functions and procedures of the Property Redevelopment and Tax Abatement Act, Title 3, Ch. 312 of the Texas Tax Code; and validating prior elections and other actions and contracts.

To Committee on Natural Resources.

By Craddick,

HB 1237, A bill to be entitled An Act relating to certain credits against severance taxes for the use of 3-D seismic technology.

To Committee on Ways and Means.

By Craddick,

HB 1238, A bill to be entitled An Act relating to an exemption from the oil and gas production taxes for certain hydrocarbons produced as a result of a production enhancement project; providing a civil penalty.

To Committee on Ways and Means.

By McDonald, Haggerty, et al.,

HB 1239, A bill to be entitled An Act relating to regional water and wastewater planning for the County of El Paso.

To Committee on Natural Resources.

By Nixon,

HB 1240, A bill to be entitled An Act relating to participation of private schools in the University Interscholastic League.

To Committee on Public Education.

By Park,

HB 1241, A bill to be entitled An Act relating to the eligibility of a person who has served as a member of the United States Senate or House of Representatives to be a candidate for the same office.

To Committee on State Affairs.

By Brimer,

HB 1242, A bill to be entitled An Act relating to the creation of municipal courts of record in Crowley.

To Committee on Judicial Affairs.

By Smithee,

HB 1243, A bill to be entitled An Act relating to financial solvency requirements for certain insurers and health maintenance organizations.

To Committee on Insurance.

By Coleman,

HB 1244, A bill to be entitled An Act relating to authorizing the issuance of tuition revenue bonds for Texas Southern University.

To Committee on Higher Education.

By H. Cuellar,

HB 1245, A bill to be entitled An Act relating to mediation of certain contested issues in certain suits affecting the parent-child relationship.

To Committee on Juvenile Justice and Family Issues.

By H. Cuellar,

HB 1246, A bill to be entitled An Act relating to public education grants.
To Committee on Public Education.

By H. Cuellar,

HB 1247, A bill to be entitled An Act relating to the appointment of counsel to represent indigent defendants or inmates.
To Committee on Criminal Jurisprudence.

By Danburg,

HB 1248, A bill to be entitled An Act relating to the area code applicable to certain telecommunications utility customers.
To Committee on Economic Development.

By Danburg,

HB 1249, A bill to be entitled An Act relating to the electronic availability of legislative information through the Internet.
To Committee on State Affairs.

By Cook, et al.,

HB 1250, A bill to be entitled An Act relating to training for members of the governing boards of public institutions of higher education.
To Committee on Higher Education.

By Telford,

HB 1251, A bill to be entitled An Act relating to benefits payable by the Judicial Retirement System of Texas Plan Two.
To Committee on Pensions and Investments.

By Bosse,

HB 1252, A bill to be entitled An Act relating to procedures for certain employment matters concerning sheriff's department employees of certain counties.
To Committee on County Affairs.

By Nixon, Allen, et al.,

HB 1253, A bill to be entitled An Act relating to the punishment for the offense of evading arrest or detention and certain civil consequences of using a vehicle to evade arrest or detention.
To Committee on Criminal Jurisprudence.

By Gray,

HB 1254, A bill to be entitled An Act relating to court jurisdiction over adult children with disabilities.
To Committee on Juvenile Justice and Family Issues.

By Gray, Moffat, and Hamric,

HB 1255, A bill to be entitled An Act relating to prohibiting discrimination by certain insurers in issuing health insurance policies to women with fibrocystic breast conditions; imposing penalties.
To Committee on Insurance.

By Conley,

HB 1256, A bill to be entitled An Act relating to the authority of the executive director of the Texas Natural Resource Conservation Commission to issue an uncontested permit, license, certificate, or authorization.

To Committee on Natural Resources.

By Conley,

HB 1257, A bill to be entitled An Act relating to mediation of certain contested issues in certain suits affecting the parent-child relationship.

To Committee on Juvenile Justice and Family Issues.

By Conley,

HB 1258, A bill to be entitled An Act relating to the waste tire recycling program.

To Committee on Environmental Regulation.

By Carona,

HB 1259, A bill to be entitled An Act relating to security obligations of a licensed seller of checks.

To Committee on Financial Institutions.

By Denny,

HB 1260, A bill to be entitled An Act relating to granting limited state law enforcement authority to marshalls and deputy marshalls of the United States Marshall Service.

To Committee on Public Safety.

By Hochberg,

HB 1261, A bill to be entitled An Act relating to contributions to the Texas County and District Retirement System.

To Committee on Pensions and Investments.

By Tillery,

HB 1262, A bill to be entitled An Act relating to applying the municipal civil service system to certain municipalities.

To Committee on Urban Affairs.

By Rangel,

HB 1263, A bill to be entitled An Act relating to the disposition of forfeited criminal contraband.

To Committee on Criminal Jurisprudence.

By Dear,

HB 1264, A bill to be entitled An Act relating to service required under the Teacher Retirement System of Texas in certain circumstances to qualify for group insurance coverage.

To Committee on Pensions and Investments.

By Raymond,

HB 1265, A bill to be entitled An Act relating to the availability under the open records law of schoolteacher evaluations.

To Committee on State Affairs.

By Hilderbran, Combs, B. Turner, and Black,

HB 1266, A bill to be entitled An Act relating to creating an ombudsman office to represent private property owners in certain proceedings.

To Committee on Land and Resource Management.

By Nixon,

HB 1267, A bill to be entitled An Act relating to the offense of employment harmful to a person younger than 21 years of age.

To Committee on Criminal Jurisprudence.

By Johnson,

HB 1268, A bill to be entitled An Act relating to authorizing certain parole officers to carry weapons.

To Committee on Public Safety.

By Johnson,

HB 1269, A bill to be entitled An Act relating to parental involvement and education programs in public schools.

To Committee on Public Education.

By Bosse,

HB 1270, A bill to be entitled An Act relating to maximum contributions to and benefits from retirement systems for police officers in certain municipalities.

To Committee on Pensions and Investments.

By Brimer,

HB 1271, A bill to be entitled An Act relating to the Texas Peace Officers' Memorial Advisory Committee.

To Committee on State, Federal, and International Relations.

By R. Lewis,

HB 1272, A bill to be entitled An Act relating to school district employment policies and the roles and duties of school administrators.

To Committee on Public Education.

By Thompson,

HB 1273, A bill to be entitled An Act relating to member contributions to and benefits of retirement systems for firefighters in certain municipalities.

To Committee on Pensions and Investments.

By Naishtat,

HB 1274, A bill to be entitled An Act relating to information about a registered voter that may be obtained by a domestic relations office from state voter registration records.

To Committee on Juvenile Justice and Family Issues.

By B. Turner,

HB 1275, A bill to be entitled An Act relating to apprehension specialists of the Texas Youth Commission as peace officers.

To Committee on Public Safety.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Culberson, et al.,

HCR 73, Authorizing the legislature to intervene in the Ruiz prison case and other jail cases and to employ its own counsel for that action.

To Committee on Corrections.

By Clemons,

HCR 74, Commending ZaZa Marie Bass for saving the life of a child.

To Committee on Rules and Resolutions.

By Gray,

HCR 75, Commending the Texas oyster industry for maintaining high standards of quality.

To Committee on Rules and Resolutions.

By Culberson, H. Cuellar, Wilson, Brady, Uher, et al.,

HCR 76, Authorizing the legislature to intervene in the Ruiz prison case and other cases involving the state correctional system and to employ legal counsel for that purpose.

To Committee on Corrections.

By Raymond,

HCR 77, Designating the prickly pear cactus as the official state vegetable fruit of Texas.

To Committee on State, Federal, and International Relations.

By Hirschi,

HCR 78, Encouraging the Texas Department of Transportation and Texas Department of Public Safety to set transportation and safety goals consistent with those recommended by the National Bicycle and Walking Study.

To Committee on Public Safety.

By Coleman,

HCR 81, Recognizing Black History Month, February 1995, and providing for a historical volume and Capitol exhibit chronicling the contributions of 19th-century African-American legislators.

To Committee on House Administration.

By Nixon,

HCR 83, Granting CW Systems, Inc., permission to sue the State of Texas and the University of Houston System.

To Committee on Civil Practices.

By Pitts,

HR 171, In memory of Luella Moore Curlin Autrey.

To Committee on Rules and Resolutions.

By Wilson,

HR 175, Commending Bessie O. Swindle for her contributions to her community.

To Committee on Rules and Resolutions.

By Wilson,

HR 176, Congratulating Harry Young on being named Star of the Month by Southwest Airlines.

To Committee on Rules and Resolutions.

By Danburg,

HR 178, Congratulating the Foundation for Interfaith Research and Ministry on its fifth anniversary.

To Committee on Rules and Resolutions.

By J. Jones, et al.,

HR 180, Commending Mable M. Chandler for her contributions to public education.

To Committee on Rules and Resolutions.

By Talton and Jackson,

HR 183, Congratulating Sallie Ann Langseth on her selection as Secondary School Teacher of the Year.

To Committee on Rules and Resolutions.

By Brimer,

HR 184, In memory of Joe Tate.

To Committee on Rules and Resolutions.

By Brimer,

HR 185, In memory of T. Lewis Ray.

To Committee on Rules and Resolutions.

By Brimer,

HR 186, In memory of Glenn Mathis Harmon.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 91 to Committee on Pensions and Investments.

SB 113 to Committee on Land and Resource Management.

SB 314 to Committee on Energy Resources.

SB 315 to Committee on Energy Resources.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

SCR 18, Requesting the Texas Higher Education Coordinating Board to conduct a review of courses related to violence in our society.

To Committee on Higher Education.

SCR 47, Commending the Windham School System on 25 years of excellent service to the State of Texas.

To Committee on Rules and Resolutions.

SCR 48, Recognizing community action agencies as an integral part of the human services delivery network for the State of Texas.

To Committee on Rules and Resolutions.

SCR 49, Commending the Texas oyster industry for maintaining high standards of quality.

To Committee on Rules and Resolutions.

ADJOURNMENT

In accordance with a previous motion, the house, at 10:54 a.m., adjourned until 10 a.m. tomorrow.